

## Comment Set 37, cont.

### ATTACHMENT

### SFPP, L.P. DEIR COMMENTS

~~SFPP or its spill response contractor shall store equipment within one half mile of the pipeline route between MP 9 and MP 15 to allow fast response to a spill that could affect the slough/marsh areas east of the route. Prior to pipeline operation, SFPP shall submit to the CSLC for review and approval the location of the equipment and the proposed list of spill response equipment.~~

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#### S-2b *Monthly Leak Detection Tests (page D.2-36)*

The minimum 12-hour monthly "stand-up" leak detection tests will not determine the existence of a 5 BPH release nor is a 12-hour test operationally feasible. Because of limitations in obtaining adequate stabilization in product temperature within the pipeline, no pressure test (regardless of the length of time it is performed) can be conducted in a manner accurately enough to detect a 5 BPH release.

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For a pressure test to be accurate enough to detect a 5 BPH leak, the temperature of the test medium must be stabilized to a point that there is not more than a 0.05 to 0.08 degree change in temperature during the test depending on the test medium (gasoline or distillates). Without these conditions, fluctuations in the system shut-in pressure caused by a variation in temperature will mask the pressure loss associated with a 5 BPH leak and prevent determining if the results are attributable to a small leak or a change in temperature. It is not possible to obtain this level temperature equilibrium because of daily fluctuations in ambient air temperature and fluctuations in ground temperature along the length of the pipeline caused by, for example, large bodies of water such as the Carquinez Strait, tidal fluctuations, and areas where the pipeline is below the groundwater table.

In addition to being technically infeasible, it is not operationally feasible to perform a 12-hour pressure test each month. Because of the feed cycle from the refineries to the station tanks into the pipelines and finally into the tanks at the receiving end, a long disruption to storage, cycling, and delivery patterns associated with performing a 12-hour test on the 20-inch pipeline would not only disrupt product supply to locations fed by the pipeline (Sacramento, Chico, and Reno), but also locations supplied by the other pipelines originating at Concord Station (Sacramento, Stockton, Fresno, San Jose, Travis AFB). The refined products market in Northern California and Nevada simply cannot tolerate a disruption of the delivery pattern each month to perform a 12-hour test. As a matter of course, we perform a short duration pressure test on a pipeline whenever the line is down in order to detect third-party damage if it were to occur while the pipeline is in operation. For example, on the existing 14-inch line, we performed 20 tests in the past year.

The requirements regarding inspection and testing of liquid pipelines in the State of California are within the jurisdiction of the US Department of Transportation (DOT) and the California State Fire Marshall (CSFM). The Code of Federal Regulations, Title 49, Part 195 addresses the inspection and testing of pipelines, the frequency of the required inspection and testing, and the record keeping requirements. SFPP already has a program in place for inspection and testing of its pipelines in accordance with these regulations. The EIR presents no data or analysis showing

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why additional regulation by CSLC, over and above that required by the agencies listed above, is necessary or how it would provide any greater protection for the environment than compliance with the regulations of the agencies already entrusted with the regulation of pipelines.

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Computational pipeline monitoring (often referred to as "leak detection") is the best available technology to detect small to moderate pipeline releases. The leak detection system proposed for this project has the capability to detect a release equivalent to 0.9% of the maximum future pipeline flow rate (30 barrels) in 20 minutes. This corresponds to 86 BPH for the highest projected future flow rate of 9550 BPH.

In summary, this mitigation measure is neither reasonable nor feasible and SFPP requests that it be deleted from the EIR. Alternatively, the mitigation measure could be rewritten as follows:

~~S-2b Monthly Leak Detection Tests. The Applicant shall perform shut-in leak detection tests monthly. These "stand-up" tests shall be held for a period sufficient to detect a 5 BPH release, but in no case for less than 12 hours. This will reduce the potential release volumes of slow releases by a factor of twelve. Leak Detection. The Applicant shall install and maintain a leak detection system that has the capability of detecting a leak of 0.9% of the maximum pipeline flow-rate (9550 BPH) in 20 minutes.~~

#### S-2d Prevent Third-Party Damage (page D.2-36)

37-15

The requirements for prevention of 3<sup>rd</sup> party damage of the new pipeline are within the jurisdiction of the US Department of Transportation and the California State Fire Marshall. The Federal Code of Regulations, Title 49, Part 195 specify these requirements. Recommended practices related to these requirements are contained in API 1160. The guidance provided in API 1160 has been evaluated and incorporated into SFPP's Integrity Management Plan that is required by DOT. The EIR presents no data or analysis showing why additional regulation by CSLC, over and above that required by the agencies listed above, is necessary or how it would provide any greater protection for the environment than compliance with the regulations of the agencies already entrusted with the regulation of pipelines.

SFPP requests the following modification:

Prevent Third-Party Damage. Between Mileposts 24.5 and 28.3 (Fairfield/Suisun City) and Mileposts 68.5 and 69.0, SFPP shall ~~evaluate~~ implement measures defined in API 1160 for prevention of third-party damage. ~~SFPP shall evaluate these measures presented in API 1160 and propose specific design features for recommended implementation in these areas. This information shall be presented to the CSLC for review and the CSFM for review and approval at least 60 days before the start of construction.~~

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#### *S-2e Conduct Pipeline Inspections (page D.2-38)*

Modern instrumented internal inspection devices, commonly referred to as smart pigs, are designed to inspect while the pipeline is in operation. CSFM regulations dictate a minimum 5-year frequency from previous inspection date, not construction anniversary date.

SFPP requests the following modification:

Conduct Pipeline Inspections. The Applicant shall conduct an internal pipeline inspection, using a modern instrumented internal inspection device (smart pig) and a caliper tool ~~as soon as practical immediately after construction has been completed, but before operation~~ within 90 days of initial pipeline operation start up. Subsequent internal inspections shall be conducted every five years in accordance with DOT/CSFM regulations. Defects shall be repaired in accordance with applicable codes, industry standards, and regulations.

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#### *S-2f Ensure Proper Cathodic Protection (page D.2-38)*

The requirements for maintaining cathodic protection of the new pipeline are within the jurisdiction of the US Department of Transportation and the California State Fire Marshall. The Federal Code of Regulations, Title 49, Part 195 specify requirements for maintaining cathodic protection on liquids pipelines. In accordance with these requirements, a close interval surveys (CIS) are performed as an investigative tool and are normally, but not always, initiated as a result of one of the following: low potentials during annual Level-of-Protection (LOP) survey, possible coating damage and possible interference from other structures. CIS are not performed on an annual basis on any of SFPP's pipelines

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The requirements for maintaining cathodic protection of the new pipeline are within the jurisdiction of the US Department of Transportation and the California State Fire Marshall. The Federal Code of Regulations, Title 49, Part 195 specify requirements for maintaining cathodic protection on liquids pipelines. In accordance with these requirements, close interval surveys (CIS) are performed as an investigative tool and are normally, but not always, initiated as a result of: (1) low potentials during an annual Level-of-Protection (LOP) survey conducted using the test stations that are installed with pipe, and (2) possible interference from other structures. CIS are only performed to identify areas that may be indicating abnormal operation of the cathodic protection system. CIS is not required on an annual basis considering the annual LOP surveys that are conducted on the system.

The agencies charged with oversight have sufficient expertise to adopt environmentally protective programs. This mitigation measure is more stringent than required by DOT and specifies reporting that is not required. Performing a CIS on a new pipeline prior to placing the pipeline in service would not mitigate the described impact. Results of inspections are made available to any agency that wishes to inspect them, but the CIS reports are not required to be distributed directly to any agency.

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The EIR presents no data or analysis showing why additional regulation by CSLC, over and above that required by the agencies listed above, is necessary or how it would provide any greater protection for the environment than compliance with the regulations of the agencies already entrusted with the regulation of pipelines.

SFPP believes that procedures are already in place to adequately address the impacts described and request the mitigation measure be changed as follows to be consistent with DOT requirements:

Ensure Proper Cathodic Protection. The Applicant shall install a cathodic protection system conduct a close interval survey over the entire length of the new pipeline within six months of the hydrostatic test performed prior to operation. The surveys shall be conducted in accordance with NACE standards and DOT requirements, using both on and off rectifier readings. If, in the future, inadequate cathodic protection level or cathodic protection interference is identified, these situations shall be corrected. In accordance with DOT requirements SFPP will perform routine inspections and maintain records on file for agency review. The Applicant shall submit a report, documenting the results of the close interval inspections and any intended action to CSLC (and any other agency with permit jurisdiction), within six months after completing the close interval survey. Additional test stations shall be installed within any section found below NACE recommended levels or in areas with cathodic protection system interference; the location and spacing of these test stations shall be reported to CSLC (and any other agency with permit jurisdiction). Subsequent close interval surveys shall be conducted within six months of the DOT required annual cathodic protection survey, on sections of pipeline that show cathodic protection levels below NACE recommended levels. The Applicant shall submit a report, documenting the results of these subsequent close interval inspections and any intended corrective action to CSLC (and any other agency with permit jurisdiction), within six months after completing the close interval survey. These other agencies may include, but are not limited to, Office of the California State Fire Marshal Pipeline Safety Division, the United States Department of Transportation Office of Pipeline Safety, and any other agency with environmental permit or land ownership responsibilities. (These requirements are more restrictive than the minimum requirements included in 49 CFR 195.)

37-17

#### S-2g Pipeline Markers (page D.2-40)

SFPP will mark the pipeline in accordance with DOT requirements and industry standards. Any marking tape offset from the pipeline would be misleading. Two strips of 3-inch wide tape along the 36-inch wide trench edge would not place tape over the top of the pipeline. This inconsistency with industry practice could result in an increased risk of damage by future excavators. The EIR presents no data or analysis showing why additional regulation by CSLC, over and above that required by the agencies listed above, is necessary or how it would provide

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any greater protection for the environment than compliance with the regulations of the agencies already entrusted with the regulation of pipelines.

SFPP requests the following modification:

For new pipeline construction, a minimum 3-inch wide, 6 mil, polyethylene marking tape shall be installed 12 to 18 inches beneath the finished ground surface, ~~at each edge of the pipe ditch, within 12 to 18" of the pipe centerline~~ over the top of the pipeline....

37-18

#### S-3a Pipeline Abandonment Procedures (page D.2-52)

Pipeline abandonment procedures are under the jurisdiction of the CSFM. It is not appropriate to assume that other agencies have the responsibility, staff or expertise to review these procedures. The EIR presents no data or analysis showing why additional regulation by CSLC, over and above that required by the agencies listed above, is necessary or how it would provide any greater protection for the environment than compliance with the regulations of the agencies already entrusted with the regulation of pipelines.

SFPP requests the following modification:

Over time, local land uses and other site environments will change. As a result, it would be impossible to prepare a plan that would adequately cover future abandonment at this time. As a result, the Applicant shall submit a site-specific letter report to the ~~CSFM CSLC or any other agency with permit authority~~, at least 60 days prior to any pipeline abandonment. The report shall evaluate any potential risks that could be imposed by the deteriorated pipe acting as an underground conduit and any potential negative effects of soil settlement, should the pipe be left to deteriorate. If the ~~CSLC or any other responsible agency~~ CSFM determines that abandoning these segments in place may cause adverse effects to the specific land uses at certain locations, the abandoned sections shall be removed or shall be filled with concrete, grout, or clean drilling mud, to avoid potential impacts. The specific action shall be determined by the ~~CSLC and other responsible agencies~~ CSFM after review of the Applicant's letter report.

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#### Air Quality

##### Mitigation Measures

#### A-1a Control Equipment Emissions (page D.3-10)

The section entitled "Impact Discussion" (page D.3-8) states that hydrotesting and cleaning will be staggered to avoid excessive single day emissions. For all practical purposes, construction of the pipeline will be complete prior to hydrotesting/cleaning and the majority of the equipment used to accomplish the construction will be no longer operating. However, during hydrotesting/cleaning there will be continued clean-up activities taking place that will require the

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use of some equipment. The concurrent use of this equipment during hydrotesting/cleaning was accounted for in the overall emissions calculations.

37-20

SFPP requests the following modification to A-1a (fourth bullet):

Operate any equipment associated with the hydrotest and pipeline-cleaning phase only when the use of all other equipment is completed after major construction and excavation activities are completed.

#### A-2a Control Dust and Particulate Emissions (page D.3-12)

Several bullets in this mitigation measure are repetitious or ambiguous. SFPP requests the following modification:

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- Pave, apply water to maintain continuously moist soil, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, construction areas and staging areas as needed.
- ~~Hydroseed or apply (non-toxic) soil stabilizers to inactive construction sites greater than four acres in area (previously graded areas inactive for more than 10 days).~~
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.) that are 300 cubic yards or greater as needed.
- If necessary to prevent mud from tracking onto pavement. wWash off the tires or tracks of all trucks and street-legal construction equipment leaving unpaved sites staging areas greater than four acres in area to paved roads.

#### A-3a Transportation Management (page D.3-13)

Carpooling by workers responsible for driving street legal construction equipment (pick-ups, flatbeds, etc.) may not be feasible, as in some instances, the driver may be the only occupant of a given piece of equipment.

37-22

SFPP requests that the first bullet be modified as follows:

- Whenever feasible, provide carpooling and shuttling of workers from the staging areas to the work spreads.

#### Biological Resources

The EIR repeatedly refers to biological monitors “supervising” the contractor or SFPP. This wording should be replaced, as the monitors will not be providing supervision to the contractor or SFPP.

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Page D.4-63 – The last sentence in the first paragraph related to metabolizing hydrocarbons potentially resulting in lower reproductive success or ability to resist infection in fish is not supported by any references or data. We suggest providing support for this statement or deleting this statement from the EIR.

37-24

As detailed below, the analysis and mitigation measures contain statements and requirements that are not consistent with current ACOE, USFWS and/or CDFG practices for other recent projects in the area. We believe that the policy and practices of these agencies, whose responsibility specifically includes protecting and managing resources under their authority, should be applicable to this project. If CSLC desires more stringent surveys and mitigation, the rationale and the adverse impacts that will avoided as a result of these extra efforts should be discussed in the EIR.

#### Mitigation Measures

#### *BB-2a Rare Plant Avoidance (page D.4-38)*

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Second bullet -- Flagging and fencing is specified within the 200-foot-wide Study Area. However, the area beyond the 100-foot construction ROW will not be accessible during construction therefore fencing and flagging in this area is unnecessary and is not feasible. SFPP has indicated to property holders and landowners that a 100-foot ROW would be requested, and this mitigation measure as currently written would require a 200-foot ROW from landowners. If the concern is to protect resources immediately outside the 100-foot ROW, the language should be changed to state that fencing be placed at the ROW edge in areas where sensitive resources are less than 20 feet outside of the ROW, and that rare plants within the ROW be flagged.

Third bullet – The words “existing roadway surface” on the first line should be changed to read “the existing road ROW” as construction will occur in the road shoulders as well as the roadway surface. It is not clear what this measure would require at the locations cited: MP 19.7-19.8, MP 22.9-23.2, MP 28.1-28.7, MP 29.8-29.9, and MP 38.9. The proposed alignment at all of these locations would avoid direct and indirect impacts to the listed plant species, Contra Costa goldfields and the special status species, Carquinez goldenbush. At MP 19.7-19.8 the alignment has been modified to provide a minimum buffer of 50 feet between the construction right-of-way and the habitat occupied by Contra Costa goldfields. At MP 22.9-23.2 the proposed alignment was modified to parallel the north side of Cordelia Road to avoid the occurrences of Contra Costa goldfields on the south side of the road. No goldfields were observed on the north side of Cordelia Road at this location. At MP 28.1 to 28.7 and at MP 29.8 to 29.9 the pipeline will be located in the right-of-way of Walters Road and Peabody Road. At MP 38.9 the proposed alignment would avoid the habitat occupied by Carquinez goldenbush by more than 80 feet and the proposed construction right-of-way will avoid the plants by more than 20 feet. We suggest that this item be eliminated or modified to limit construction activities to the proposed construction right-of-way at these locations.

URS surveys were adequate to detect fragrant fritillary and were conducted during the blooming period for this species. Botanical surveys included the area east of Vanden Road. This section

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was accessible at the time of the botanical surveys but NOT accessible during Year 1 branchiopod surveys. Pre-construction surveys for fragrant fritillary are not necessary because surveys were conducted during the time period when this species would be evident (February to April). The University and Jepson Herbariums contain approximately 40 collections of this species. All of the specimens collected from Solano County were collected in early April. Approximately 25 percent of the 40 specimens of fragrant fritillary were collected between April 1 and April 15 when the surveys were conducted for the Concord to Sacramento Pipeline project. A large percentage (approximately 35 percent) was collected between March 15 and April 1. A total of 10 specimens (25 percent) were collected earlier than March 15 and 10 percent were collected later than April 15. Only one specimen was collected in late February. Based on this information we suggest that the botanical surveys were appropriately timed to coincide with the optimal period for identification of fragrant fritillary and further pre-construction surveys are unnecessary.

SFPP requests that this mitigation measure be revised as follows:

- Flagging, mapping, and fencing to protect any special status plant species within the 2100-foot-wide construction ROW Study Area during construction. Fencing shall be placed at the edge of the ROW in areas where special status plant species are present within 20 feet outside of the ROW.
- Limiting all proposed roadway construction to the existing roadway ROW surface(s) where adjacent special status plant species occur, i.e., adjacent Contra Costa goldfield populations at access road near Ornbaum Kennels (MP 19.7 – 19.8), Cordelia Road (MP 22.9 – 23.2), Walters Road (MP 28.1 – 28.7), Peabody Road (MP 29.8 – 23.2), and Carquinez goldenbush occurrences along Hay Road (MP 38.9).
- A worker training program with regard to special status species (see BW-1c).
- Supervision Monitoring and verification of the implementation of these measures by an agency-approved Environmental Monitor (see BW-2b).

Prior to construction, the location of special status plant species will be determined through appropriately-timed surveys according to California Native Plant Society (CNPS) protocol; this shall apply only to (1) areas not surveyed during previous surveys that support potential habitat for any rare plant species, and (2) the rare *Fritillaria* species for the identified project segments with potential habitat (i.e., serpentine or clay soils) for which appropriately timed surveys were not conducted during previous survey efforts along the pipeline right-of-way (ROW). Determination of potential habitat for rare species, and surveys conducted for presence of rare plant species will be performed by a qualified botanist. These surveys will be appropriately timed to cover the blooming periods of the special status plant species with the potential to occur in the area.